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This is a	communication from the	examiner in charge of	your application.			
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Respoi	nsive to communication	n(s) filed on		25, 76		·
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			except for formal matter		to the merits i	s closed in
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hortened	statutory period for r	esponse to this actio	n is set to expire		month(s), or t	thirty days.
ichever i	s longer, from the mail	ing date of this comm	nunication. Failure to res	pond within the per	riod for respons	se will cause
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## RESTRICTION REQUIREMENT

Please Note: In an effort to enhance communication with our customers and reduce processing time, Group 1640 is running a Fax Response Pilot for Written Restriction Requirements. A dedicated Fax machine is in place to receive your responses. The Fax number is 703-305-3704. A Fax cover sheet is atthed to this Office action for your convenience. We encourage your participation in this Pilot program. If you have any questions or suggestions please contact Donald E. Adams, Ph.D., Supervisory Patent Examiner at Donald.Adams@uspto.gov or 703-308-0570. Thank you in advance for allowing us to enhance our customer service. Please limit the use of this dedicated Fax number to responses to Written Restrictions.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-5 and 10-15, drawn to biological test methods for determining immunerelated data, classified in classes 435 and 436, subclasses 7.21+ and 536, respectively.
- II. Claims 6-9 and 16-18, drawn to frozen blood preparations, classified in class 424, subclasses 529, 532, 533, 534.

The inventions are distinct, each from the other because:

Inventions II and I are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the product as claimed can be used for blood transfusions; for

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replacement of cellular elements, such as red blood cells, leukocytes, platelets, stem cells, etc.; for replacement of blood clotting factors, etc.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, divergent subject matter, and because the search required for group II is not coextensive with the search required for group I, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

A telephone call was made to Mr. William E. Player, Reg. No. 31,409 on August 5, 7 and 13, 1998 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol A. Spiegel whose telephone number is (703) 308-3986.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel, can be reached on (703) 308-4027. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

CAROL A. SPIÉGEL PRIMARY EXAMINER GROUP 1800 /600

Carol A. Spiegel August 13, 1998